

76-10541/7

OGC Has Reviewed

OLC 76-3809
30 December 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Congressional Briefings Re Presidential Approval to

NSC REVIEW
COMPLETED

25X1

25X1

In paragraph 3 of that memorandum, the Director was charged with ensuring that the appropriate Congressional committees be briefed on the matter in the course of budget and appropriation hearings and as part of the Agency's covert action update briefing.

2. Due to the significance of the subject matter, and the fact that no update briefings are scheduled for the near future, the question has arisen whether it might be a good idea to brief at least the SSCI on the subject at this time and not wait for budget presentations or the update briefing. Also, I am informed that the S&I team currently reviewing DDO activities has specifically asked for information with respect to this subject matter and that the DDO feels that briefing the S&I team on the President's approval at this time would demonstrate the Agency's desire to be responsive on a timely basis to the S&I team's concerns.

3. I see no reason not to brief at least the SSCI and the S&I team at this time.

SIGNER

George L. Cary
Legislative Counsel

Attachment

Distribution:

- 1 - OLC Subject
- 1 - OLC Chrono

OLC:THW:sf (30 December 1976)

IMPDET CL BY

SECRET

1 EYES ONLY

NATIONAL SECURITY COUNCIL

AUTOMATICALLY DECLASSIFIED ON
Impossibility to Estimate
the date of event, if any)

Approved For Release 2003/10/21 : CIA-RDP79M00467A000100120002-6

17 December 1976

Executive Registry

76-10541/6

OLC#76-3711

MEMORANDUM FOR THE RECORD

SUBJECT: Presidential Decision--Paramilitary Capabilities

At the 26 November 1976 meeting of the Operations Advisory Group (OAG) there was unanimous endorsement of the concept that the President should have a covert paramilitary capability available to employ in selected cases in support of U.S. policy. The Chairman of the OAG subsequently established that the question of funding at immediate issue was [redacted] proposed for the FY 1978 budget, rather than the complete package through FY 1980 which was cited in the paper submitted by CIA. The Chairman also obtained a written statement from the Secretary of Defense (who had been unable to attend the OAG meeting) endorsing the vote of his representative who attended and concurring in submitting CIA's proposal to the President.

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25X1
NSC

25X1C
25X1C

On 17 December 1976, after review of the CIA paper [redacted] and the recommendations of the OAG, the President approved the maintenance of a covert capability for conducting paramilitary operations and the inclusion of the [redacted] figure in the FY 1978 budget.

25X1
NSC

25X1A
25X1
NSC

The President was cognizant that his first Presidential Finding of 10 January 1975 authorized the support necessary to the tasks and operations covered by it, and the fact that CIA had reported to him that it had utilized this authority in maintaining a paramilitary capability. Any employment of that capability, of course, will require a Presidential Finding in each case. The President was advised that this specific action will be briefed to the appropriate committees of the Congress in the course of budget and appropriations hearings and as part of CIA's periodic update reporting, and the Director of CIA is asked to see that this is done.

Rob Roy Ratliff
Rob Roy Ratliff

Executive Secretary
Operations Advisory Group

Distribution:

Secretary Kissinger
Secretary Rumfeld

General Brown
Director Bush

Attorney General Levi
Director Lynn

SECRET/EYES ONLY

EYES ONLY

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

76-10541/5

28 DEC 1976

MEMORANDUM FOR: The Honorable Edward H. Levi
The Attorney General

FROM : E.H. Knoche
Acting Director

SUBJECT : CIA Procurement of Paramilitary
Equipment

1. In the course of the OAG meeting on 26 November 1976, a question was raised regarding a memorandum prepared by CIA dated 20 November, subject "Future CIA Role in Covert Paramilitary Operations." The question was whether, under Section 662 of the Foreign Assistance Act of 1961, as amended, a new and specific Presidential finding is required, together presumably with reports to the various congressional committees that receive briefings on covert action matters, as a condition precedent to the expenditure of funds by CIA to procure paramilitary weapons and equipment. It is the opinion of my General Counsel, who looked at the Section 662 issue before the CIA memorandum was submitted to the OAG, that no new and specific Section 662 finding is required.

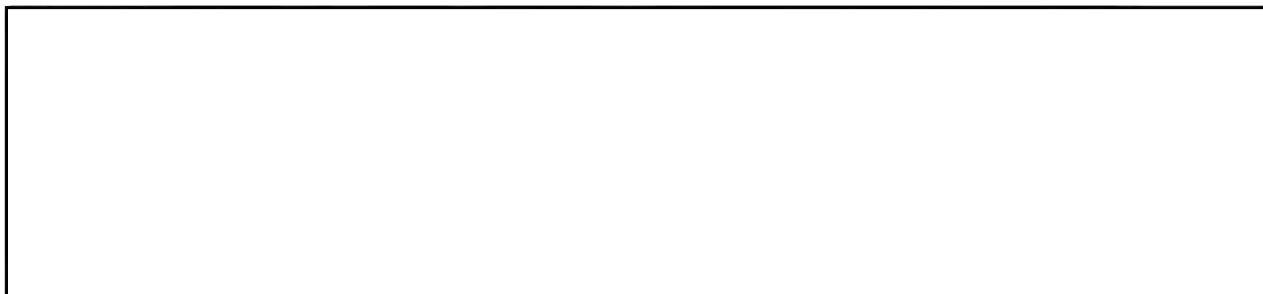
2. The relevant statutory provision bars CIA expenditures "for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence," unless, among other things, the President finds that "each such operation is important to the national security of the United States." Therefore, the questions in the present circumstances are whether the contemplated purchases of paramilitary supplies, many of which will be procured abroad, constitute an "operation" within the meaning of the statute and, if so, whether the purchases are already authorized by an existing and applicable Presidential finding.

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SCHEDULE 1, CATEGORY 1
Date Impossible to Determine

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SENSITIVE INTELLIGENCE SOURCES
AND METHODS INVOLVED



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25X1C

/s/ E. H. Knoche

E.H. Knoche

CONCUR:

Deputy Director for Operations

Date

Distribution:

Orig - Addee	1 - DDO
1 - DCI	1 - DDO Reg
1 - DDCI	1 - OGC
1 - Exec Reg	1 - OLC

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INTERNAL
USE ONLY

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ROUTING AND RECORD SHEET

16-10541/7
30 Dec 76

SUBJECT: (Optional)

FROM:

George L. Cary
Legislative Counsel

EXTENSION

6121

NO.

DATE

30 DEC 1976

TO: (Officer designation, room number, and building)

DATE

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OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDCI

3 Jan

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OK [initials]

Attached is a Memorandum for the Record suggesting that it would be appropriate to brief the SSCI and the S&I team from the House Appropriations Committee at this time on the President's approval of a program to maintain a paramilitary capability. Before going ahead with such briefings I want to be sure you have no problems with such briefings this time.

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Betty
OLC

please note

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[Redacted Signature Box]

George L. Cary

4m F #3

FORM 3-62

610

USE PREVIOUS EDITIONS

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Executive Registry

76-10541/4

20 DEC 1976

MEMORANDUM FOR: The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs

FROM : George Bush
Director

SUBJECT : Future CIA Role in Covert Paramilitary
Operations

REFERENCE : OAG Paper, dated 20 November 1976,
Same Subject

1. On 26 November 1976 referent paper was submitted to the OAG and subsequently approved by the OAG principals. During the course of the meeting and in a subsequent discussion with Mr. Wells, Lieutenant General Smith made several recommendations concerning the wording of certain background statements in paragraphs 3. and 4. General Smith's recommendations then were discussed in further detail with the JCS action officer for the paper and as a result CIA would like to record the following amplifying comments.

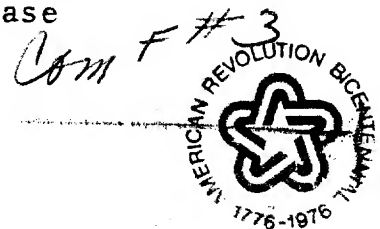
a. In paragraph 3., line 5, reference was made to experience [redacted]

[redacted] It was the intent of this statement to support our position that CIA cannot covertly support a conventional conflict or one where size or duration will erode the original cover mechanisms.

b. In paragraph 3.(1), line 14, reference to paramilitary unit support of conventional forces was not intended to imply that these units could themselves conduct encirclement or sweep operations against established guerrilla base

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EXECUTIVE



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AND MEMBERS INVOLVED

areas. Their normal role in such operations would be intelligence collection, harassment and destruction of small enemy units and other such tasks in keeping with their capabilities.

c. Paragraph 4., line 5, properly should read "In this regard, we should mention that the Department of Defense's ability to engage in covert paramilitary activities has been severely diminished in recent years."

2. General Smith also recommended that consideration be given to stockpiling weapons. [REDACTED]

[REDACTED] At the same time we have initiated working level discussions with appropriate DoD elements to see if any ordnance currently in the U.S. inventory might meet this requirement.

/s/ E. H. Knoche

George Bush

CONCUR:

[REDACTED]
Deputy Director for Operations

Date

Distribution:

Original - Addee
1 - DCI
1 - DDCI
1 - Exec. Reg.
1 - DDO
1 - ADDO
1 - DDO Reg.
1 - [REDACTED]
1 - [REDACTED]

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

MEMORANDUM FOR: The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs

FROM : George Bush
Director

SUBJECT : Future CIA Role in Covert Paramilitary
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a. In paragraph 3., line 5, reference was made to experience gained [redacted]

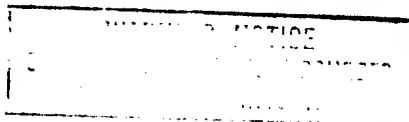
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"In this regard, we should mention that the Department
of Defense's ability to engage in covert paramilitary
activities has been severely diminished in recent
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[REDACTED]
[REDACTED] At the same time we have initiated
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see if any ordnance currently in the U.S. inventory might
meet this requirement.

George Bush

[REDACTED] dpt(12/3/76)

Distribution:

Original - Addee
1 - DCI
1 - DDCI
1 - Exec. Reg.
1 - DDO
1 - DDO Reg.
1 - [REDACTED]
1 - [REDACTED]

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Executive Registry

76-10541/4

MEMORANDUM FOR: The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs

FROM : George Bush
Director

SUBJECT : Future CIA Role in Covert Paramilitary
Operations

REFERENCE : OAG Paper, dated 20 November 1976,
Same Subject

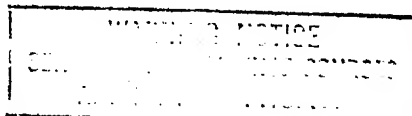
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022546



Date Impossible to Determine

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25X1C 2. General Smith also recommended that consideration
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25X1C [REDACTED]
[REDACTED] At the same time we have initiated
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see if any ordnance currently in the U.S. inventory might
meet this requirement.

George Bush

CONCUR:

25X1A [REDACTED]
Deputy Director for Operations

12/8/76
Date

Correspondence Memo 76-10541/4
3 Dec 76

MEMORANDUM FOR: DDO Exec. Officer

Ken:

DDCI requests you all put a covering note on this explaining why it is required - i.e., put it in a "Context."

Thanks,



Date 13/12/76

FORM 101 USE PREVIOUS EDITIONS

25X1A'

MEMORANDUM FOR:

Approved For Release 2003/10/21 : CIA-RDP79M00467A000100120002-6

76-10541/4

Don't

Per our telcom. Sorry to
cause trouble.

25X1A



Date

15/12/78

FORM 101 USE PREVIOUS
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☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☒ SECRETROUTING AND RECORD SHEET *Cover*

Executive Registry

SUBJECT: (Optional)

*Memo II**76-10541/4*

25X1A Letter to The Honorable Brent Scowcroft -- Future CIA Role in Covert Paramilitary Ops

FROM:

EXTENSION

NO.

DATE

13 December 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

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The attached memorandum was requested by the DDO based on questions raised by General Smith at the OAG meeting and in a subsequent discussion. General Smith's specific recommendations were passed to me by the JCS action officer for the OAG paper.

FORM

110 USE PREVIOUS

☒ SECRET☐ CONFIDENTIAL☐ INTERNAL☐ UNCLASSIFIED

ER-76-10541/5

ROUTING AND RECORD SHEET

06C-76-7057
12-70-2c

SUBJECT: (Optional)

CIA Procurement of Paramilitary Equipment -- Letter to The Attorney General

FROM:

[Redacted]

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDO Reg.

[Redacted]

8 DEC 1976

✓

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ADDO

[Redacted]

8 DEC 1976

✓

3.

DDO

[Redacted]

12/9

✓

For concurrence

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OGC

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12-10-76

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15/Dec/76

12/17/76

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DEC 20 1976

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For signature

To 10

[Signature]

14.

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George L. Cary

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18 DEC 76

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EXECUTIVE SECRETARIAT

Routing Slip

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8	DDO	X			
9	D/DCI/NID				
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Remarks:

By HAND

18 Dec 76

Date

3637 (5-76)

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EYES ONLYSECRET/EYES ONLYNATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652 EX-
EMPTION CATEGORY (8) (b) (1), (c) (4)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(effective date or event, if any)

17 December 1976

Executive Registry

76-10541/6

MEMORANDUM FOR THE RECORD

SUBJECT: Presidential Decision--Paramilitary Capabilities

At the 26 November 1976 meeting of the Operations Advisory Group (OAG) there was unanimous endorsement of the concept that the President should have a covert paramilitary capability available to employ in selected cases in support of U.S. policy. The Chairman of the OAG subsequently established that the question of funding at immediate issue was [redacted] proposed for the FY 1978 budget, rather than the complete package through FY 1980 which was cited in the paper submitted by CIA. The Chairman also obtained a written statement from the Secretary of Defense (who had been unable to attend the OAG meeting) endorsing the vote of his representative who attended and concurring in submitting CIA's proposal to the President.

25X1A
25X1
NSC

On 17 December 1976, after review of the CIA paper [redacted] approved the maintenance of a covert capability for conducting paramilitary operations and the inclusion of the [redacted] figure in the FY 1978 budget.

25X1C
25X1
NSC

The President was cognizant that his first Presidential Finding of 10 January 1975 authorized the support necessary to the tasks and operations covered by it, and the fact that CIA had reported to him that it had utilized this authority in maintaining a paramilitary capability. Any employment of that capability, of course, will require a Presidential Finding in each case. The President was advised that this specific action will be briefed to the appropriate committees of the Congress in the course of budget and appropriations hearings and as part of CIA's periodic update reporting, and the Director of CIA is asked to see that this is done.

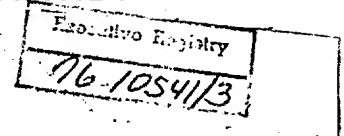
Rob Roy Ratliff
Rob Roy Ratliff
Executive Secretary
Operations Advisory Group

Distribution:

Secretary Kissinger
Secretary RumsfeldGeneral Brown
Director Bush
Attorney General Levi
Director LynnSECRET/EYES ONLY

EYES ONLY

Don F H 3



NATIONAL SECURITY COUNCIL

22 November 1976

TO: OAG Contacts

The attached paper will be an item for the next OAG meeting.

We have proposed to the Chairman that a meeting of the OAG be called as soon as possible. We will advise you as soon as a date and time are fixed.

Rob Roy Ratliff
(Rd)

Rob Roy Ratliff
Executive Secretary
Operations Advisory Group

Attachment:

Control #76 32, Cy #5

Next 8 Page(s) In Document Exempt

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EXECUTIVE SECRETARIAT

Routing Slip

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SUSPENSE		Date			

Remarks:

By HAND

Executive Secretary

Date

3637 (1-75)

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